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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80528-9599

In re Application of:
Kamal Guler et al.
Application No. 09/858,251
Filed: May 15, 2001
For: AUTOMATED DECISION SUPPORT
SYSTEM FOR DESIGNING AUCTIONS

: **DECISION ON PETITION**
: **REGARDING NOTIFICATION**
: **OF NON-COMPLIANT APPEAL**
: **BRIEF UNDER 37 CFR 1.181**

This is in response to the petition filed on September 7, 2007 under 37 CFR 1.181 requesting that the August 13, 2007 Notification of Non-Compliant Appeal Brief be withdrawn. The delay in treating this petition is sincerely regretted.

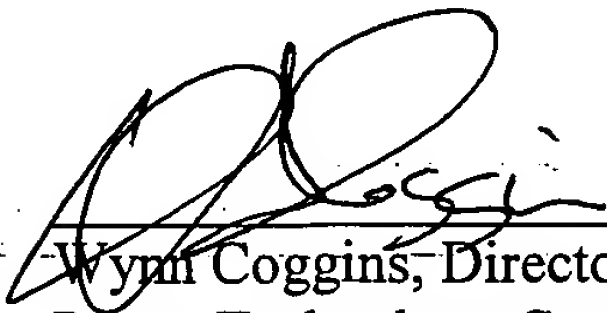
Applicant alleges that the Notification of Non-Compliant Appeal Brief mailed August 13, 2007 was issued in error because 1) only for *independent* claims need a concise explanation in the Summary of the Claimed Subject Matter be provided, and/or 2) a concise explanation in the Summary of the Claimed Subject Matter must be provided for dependent claims only if "means plus function" language is used which would invoke 112 sixth paragraph considerations. Applicant argues that the pertinent claims, being dependent and not "means plus function" meet neither of these requirements, such that they need not be included in a concise explanation in the Summary of the Claimed Subject Matter.

Applicant's arguments regarding requirements for the Summary of the Claimed Subject Matter are correct. However, review of the record reveals that, since the filing of the petition, an amended Appeal Brief including discussion of the *dependent* claims in the Summary of the Claimed Subject Matter Brief was filed by Applicant on February 8, 2008.

Therefore, since the requirements of the Notification of Non-Compliant Appeal Brief have been complied with, and the Appeal Brief has been forwarded to the Board of Patent Appeals and Interferences and docketed, the arguments of the earlier filed petition are moot.

The petition is **DISMISSED as moot**.

Telephone inquiries should be directed to Charles R. Kyle, Supervisory Patent Examiner, at (571) 272-6746.

A handwritten signature in black ink, appearing to read 'Wynn Coggins', is written over a horizontal line.

Wynn Coggins, Director
Patent Technology Center 3600
(571) 272-5350

crk/snm : 5/11/09

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